

REMARKS

The non-final Office Action was issued on pending claims 1-13. Claims 1-4, 6, 8, and 9 stand rejected, claims 7 and 10-12 were objected to, claim 13 was not addressed, and claim 5 was withdrawn from consideration. In this Response, claims 1 and 12 have been amended, claims 14 and 15 have been added and no claims have been cancelled. Thus, claims 1-15 are pending in the application, and claims 1-4 and 6-15 are under consideration.

Applicant invites the Examiner to call Applicant's Representative to discuss any issues with this application.

Allowable Claims

In paragraph 8 of the Office Action, claims 7 and 10-12 were objected to as being dependent upon a rejected base claim, but noted as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for the notice of allowable claims.

Claim 13

The Office Action Summary at line number 6 of the Disposition of Claims section indicates that claim 13 is rejected. However, claim 13 was not rejected in the Detailed Action and no prior art was applied against claim 13. Accordingly, Applicant believes claim 13 is allowable.

Claim Objections

At Office Action paragraph 3, claim 12 was objected to because of an informality. Although the Office Action refers to line 2 of claim 12, it appears that the informality is in line 3. In response, claim 12 has been amended to correct the informality.

Claim 1 has also been amended to correct an informality.

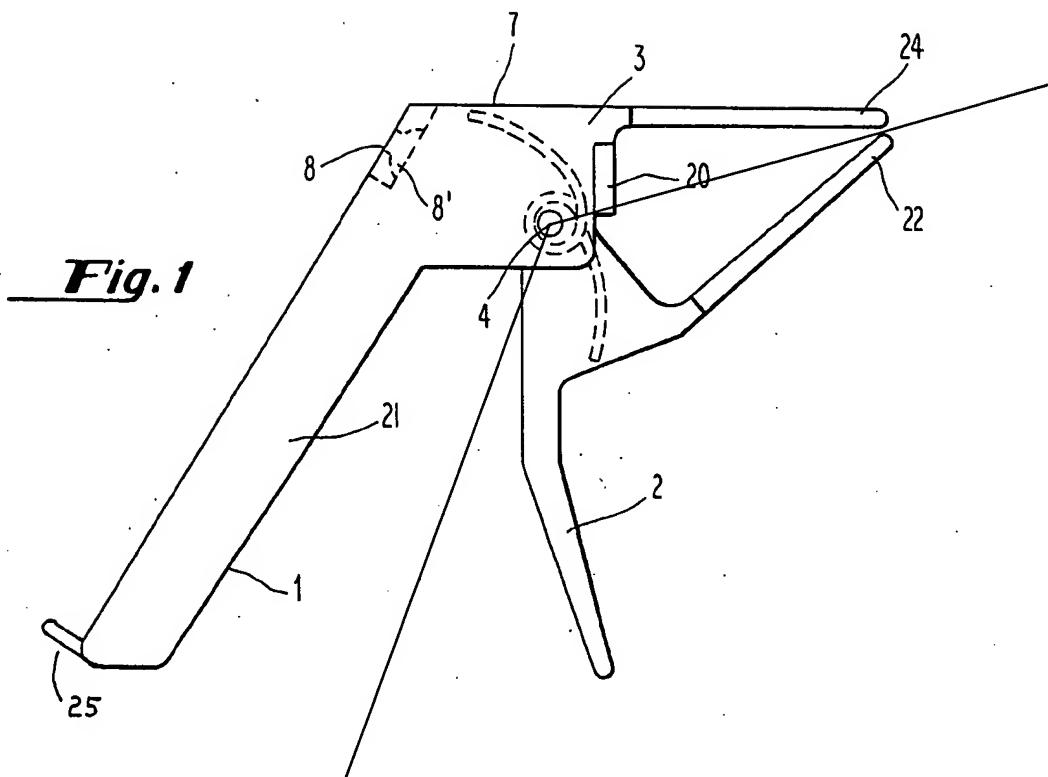
Thus, Applicant submits the claim objections have been overcome.

Claim Rejections – 35 USC §§ 102, 103

In paragraph 5 of the Office Action, claims 1 and 2 were rejected under 35 U.S.C. §102(b) as being anticipated by Hersker (US 4,809,399). In paragraph 7 of the Office Action, claims 3, 4 and 6-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hersker in view of Veltz et al. (US 6,470,522). Applicant respectfully disagrees. Applicant notes claim 7 was indicated as being allowable in Office Action paragraph 8.

Claim 1 calls for “when the two clamping jaws are abutted together, the two clamping jaws, together with an articulation pin of the first and second arms, define a reference plane; wherein an angle bisector between the two actuating sections is inclined at approximately 90° to the reference plane.” One example of these claimed features is shown in Fig. 1. The two clamping jaws 2 together with the articulation pin 5 define a reference plane E. An angle bisector between the two actuating sections 4 is labeled G. The angle bisector G is inclined at approximately 90° to the reference plane E.

Turning to Hersker, Hersker simply does not have the above quoted claim elements of claim 1. Indeed, the Office Action does not even allege that Hersker has those claimed features. Fig. 1 of Hersker is reproduced below with a corresponding reference plane and angle bisector added to the figure. Clearly, the corresponding reference plane and angle bisector of Hersker are not at approximately 90° to each other.



Thus, Applicant submits claim 1 is allowable. Claim 2 is also allowable at least for the same reasons claim 1 is allowable.

Turning to Veltz et al., the Office Action asserts that Veltz et al. has an actuating section having a hook (46) pivotally mounted thereon (Figs. 1-6). However, the Veltz et al. attachment clip 46 (hook) is part of and fixed in position to the first handle 42. The first handle 42 is pivotally attached to a first lug attachment 26 by a first handle pivot 44. The first handle 42 can pivot relative to the first lug attachment 26. However, the attachment clip 46 is not pivotally mounted to the first handle 42. See Veltz et al., column 4, lines 26-39, Figs. 1 and 3.

Thus, Applicant submits claims 3, 4 and 6-10 are allowable. Also, the dependent claims are allowable at least for the same reasons claim 1 is allowable.

Thus, Applicant submits that the §102 and §103 rejections should be withdrawn.

New Claims

New claims 14 and 15 have been added, and are fully supported by the application as originally filed.

Applicant submits new claims 14 and 15 are also allowable.

CONCLUSION

For the foregoing reasons, Applicant submits that the patent application is in condition for allowance and requests a Notice of Allowance be issued.

Respectfully submitted,

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